

SECTION 1. Section 26.15(f), Tax Code, is amended to read as follows:

(f) If a correction that decreases the tax liability of a property owner is made after the owner has paid the tax, the taxing unit shall refund to the property owner *who paid the tax* the difference between the tax paid and the tax legally due, except as provided by Section 25.25(n). A property owner is not required to apply for a refund under this subsection to receive the refund.

SECTION 2. The change in law made by this Act applies only to a refund made on or after the effective date of this Act. A refund made before the effective date of this Act is governed by the law in effect on the date the refund was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on April 20, 2017: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 18, 2017: Yeas 30, Nays 0.

Approved May 26, 2017.

Effective May 26, 2017.

CATEGORIES USED TO RECORD THE RACE OR ETHNICITY OF PERSONS STOPPED FOR OR CONVICTED OF TRAFFIC OFFENSES

CHAPTER 173

H.B. No. 3051

AN ACT

relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means *the following categories*:

(A) *Alaska native or American Indian*;

(B) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ *Asian or Pacific Islander*;

(C) *black*;

(D) *white*; and

(E) *Hispanic or Latino* ~~[, Native American, or Middle Eastern descent]~~.

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means *the following categories*:

(1) *Alaska native or American Indian*;

(2) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ *Asian or Pacific Islander*;

(3) *black*;

(4) *white*; and

(5) *Hispanic or Latino* ~~[, or Native American descent]~~.

SECTION 3. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 143, Nays 2, 2 present, not voting; passed by the Senate on May 19, 2017: Yeas 31, Nays 0.

Approved May 26, 2017.

Effective September 1, 2017.

**RETURN OF EXECUTED SEARCH WARRANTS AND THE
PUBLIC AVAILABILITY OF SEARCH WARRANT AFFIDAVITS**

CHAPTER 174

H.B. No. 3237

AN ACT

relating to the return of executed search warrants and the public availability of search warrant affidavits.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 18.01(b), Code of Criminal Procedure, is amended to read as follows:

(b) No search warrant shall issue for any purpose in this state unless sufficient facts are first presented to satisfy the issuing magistrate that probable cause does in fact exist for its issuance. A sworn affidavit setting forth substantial facts establishing probable cause shall be filed in every instance in which a search warrant is requested. Except as provided by Article 18.011, the affidavit *becomes* [is] public information *when the search warrant for which the affidavit was presented is* [if] executed, and the magistrate's clerk shall make a copy of the affidavit available for public inspection in the clerk's office during normal business hours.

SECTION 2. Article 18.10, Code of Criminal Procedure, is amended to read as follows:

Art. 18.10. HOW RETURN MADE. *Not later than three whole days after executing a search warrant, the officer shall return the search warrant.* Upon returning the search warrant, the officer shall state on the back of the same, or on some paper attached to it, the manner in which *the warrant* [it] has been executed. *The officer [and] shall also [likewise] deliver to the magistrate a copy of the inventory of the property taken into his possession under the warrant. The failure of an officer to make a timely return of an executed search warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not bar the admission of evidence under Article 38.23.*

The officer who seized the property shall retain custody of it until the magistrate issues an order directing the manner of safekeeping the property. The property may not be removed from the county in which it was seized without an order approving the removal, issued by a magistrate in the county in which the warrant was issued; provided, however, nothing herein shall prevent the officer, or his department, from forwarding any item or items seized to a laboratory for scientific analysis.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 19, 2017: Yeas 31, Nays 0.

Approved May 26, 2017.

Effective May 26, 2017.